

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

DOLORES CEPEDA,  
Plaintiff,

v.

BANK OF AMERICA, N.A.,  
FAY SERVICING, LLC and  
WILMINGTON TRUST NATIONAL  
ASSOCIATION SOLELY AS TRUSTEE FOR  
THE MFRA TRUST 2014-2,  
Defendants.

C.A. No. 19-cv-00005-WES-PAS

**STATEMENT OF UNDISPUTED FACTS PURSUANT TO  
LOCAL RULE CV 56**

Pursuant to Local Rule Cv 56, Defendants Fay Servicing, LLC (“Fay”) and Wilmington Trust National Association Solely as Trustee for the MFRA Trust 2014-2 (“Wilmington”, and together with Fay, “Defendants”) submit the following statement of material facts.

1. Fay is the loan servicer for Wilmington Trust National Association Solely as Trustee for the MFRA Trust 2014-2 (“Wilmington Trust”), which is the holder by assignment of the Note and Mortgage on property located at 177 Dexter Street, Providence, RI (the “Property”). Fay Affidavit, ¶ 5.

2. Plaintiff granted a Mortgage to Bank of America, N.A. on December 22, 2006. Id. ¶ 8, Exhibit A.

3. Plaintiff defaulted on the Mortgage in or around August 2016. Id. ¶ 9.

4. Bank of America sent to Plaintiff a Notice of Mediation Conference pursuant to R.I.G.L. § 34-27-3.2 on October 3, 2016. Id. ¶ 10, Exhibit B.

5. The Mediation Coordinator issued a Certificate of Compliance with Mediation Requirement, certifying that Bank of America provided the Notice of Mediation Conference pursuant to § 34-27-3.2, on January 4, 2017. Fay Affidavit, ¶ 11, Exhibit C.

6. On September 14, 2017, Bank of America sent Plaintiff a Notice of Intent to Accelerate. Id. ¶ 12, Exhibit D.

7. Bank of America sold the Mortgage to Wilmington on September 29, 2017. Id. ¶ 13.

8. Fay took over as the servicer of the Mortgage on November 1, 2017. Id.

9. Fay sent to Plaintiff a second default/right to cure/intent to accelerate notice on December 15, 2017. Fay Affidavit, ¶ 14, Exhibit E.

10. Defendants mailed Plaintiff a Notice of Availability of Mortgage Counseling Services pursuant to § 34-27-3.2 on September 26, 2018. Id. ¶ 15, Exhibit F.

11. On November 15, 2018, Defendants sent Plaintiff a notice of foreclosure sale, identifying the sale date as January 7, 2019. Id. ¶ 16, Exhibit G.

12. Fay has issued monthly mortgage statements to Plaintiff at all times relevant to the Complaint, including, but not limited to, January 2018 through to the date of Plaintiff filing her Complaint. Id. ¶ 17, Exhibit H.

*[signature on next page]*

Respectfully submitted,

FAY SERVICING, LLC and  
WILMINGTON TRUST NATIONAL  
ASSOCIATION SOLELY AS TRUSTEE  
FOR THE MFRA TRUST 2014-2,

By its attorneys,

/s/ Patrick T. Uiterwyk

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Date: January 22, 2020

**CERTIFICATE OF SERVICE**

I, Patrick T. Uiterwyk, certify that on this 22nd day of January, 2020, I filed the foregoing document through the ECF system, thereby serving it electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on this date. The foregoing document is available for viewing and downloading from the ECF system.

/s/ Patrick T. Uiterwyk

Patrick T. Uiterwyk